

UTILITY PATENT APPLICATION TRANSMITTAL

(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
30296A-DIV1Total Pages in this Submission
120**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

RECOMBINANT FUSOBACTERIUM NECROPHORUM LEUKOTOXIN VACCINE AND PREPARATION THEREOF

and invented by:

Nagaraja, T.G.; Stewart, George C.; Narayanan, Sanjeev K.; Chengappa, M.M.

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/841,786

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/588,257

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 53 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☒ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
30296A-DIV1

Total Pages in this Submission
120

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets _____
- b. ☒ Informal Number of Sheets 13
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☒ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☒ Computer Readable Form (CRF)
- b. ☒ Specification Sequence Listing on:
- i. ☒ CD-ROM or CD-R (2 copies); or
- ii. ☒ Paper
- c. ☒ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☒ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV 343764468 US

**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
30296A-DIV1

Total Pages in this Submission
120

Accompanying Application Parts (Continued)

17. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
30296A-DIV1

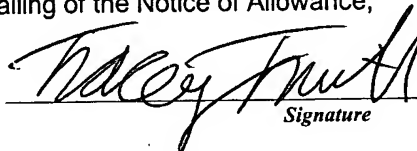
Total Pages in this Submission
120

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	17	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	5	- 3 =	2	x \$84.00	\$168.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$908.00

- ☒ A check in the amount of **\$908.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-0522** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Dated: August 22, 2003

Tracey S. Truitt, Reg. No. 43,205
HOVEY WILLIAMS LLP
2405 Grand Blvd., Suite 400
Kansas City, MO 64108
816-474-9050



23589

PATENT TRADEMARK OFFICE

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

NAGARAJA, T.G. et al.

Serial No. :

Filed: August 22, 2003

RECOMBINANT FUSOBACTERIUM
NECROPHORUM LEUKOTOXIN
VACCINE AND PREPARATION
THEREOF

Docket No. 30296A-DIV1

Group Art Unit No.

Examiner:

Commissioner of Patents
Alexandra, VA 22313-1450

Sir:

TRANSMITTAL

Transmitted herewith are: Express Mail Transmittal (1 page); Utility Patent Application Transmittal (4 pages); Specification (49 pages); Claims (3 pages); Abstract (1 page); 13 drawing sheets; Declaration and Power of Attorney (4 pages); \$ 908.00 filing fee; Assignment (4 pages); 2 CD's; Sequence Statement (1 page); Sequence Transmittal letter (1 page); Sequence Listing (39 pages); and return postcard.

EV 343764468 US

Respectfully submitted,

Date: August 22, 2003

By



Tracey S. Truitt, Reg. No. 43,205
HOVEY WILLIAMS, LLP
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

NAGARAJA, T.G. et al.

Serial No. :

Filed: August 22, 2003

RECOMBINANT FUSOBACTERIUM
NECROPHORUM LEUKOTOXIN VACCINE
AND PREPARATION THEREOF

Docket No. 30296A-DIV1

Group Art Unit No.

Examiner:

Commissioner of Patents
Alexandra, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Transmitted herewith are two CD-Rs ("compact disks-write once") labeled and hereafter referred to as CRF 1 and CRF 2.

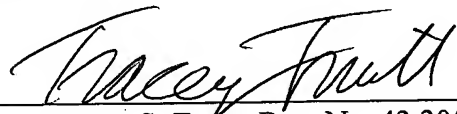
CRF 1 and CRF 2 each contain an identical copy of a sequence listing appendix associated with and incorporated by reference into the above-identified non-provisional utility application. The machine format of each CD-R is IBM-PC; and the operating system compatibility is Windows 95.

CRF 1 and CRF 2 each contain identical copies of the following ASCII files:

Filename	Size (Bytes)	Date of Creation
30296~1	99 KB	April 3, 2003

Respectfully submitted,

By



Tracey S. Trutt, Reg. No. 43,205
2405 Grand Boulevard, Suite 400
Kansas City MO 64108
(816) 474-9050

ATTORNEY FOR APPLICANT(S)